

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION

OFFICE OF THE SECRETARY OF STATE CORRECTION

[M10-452]

1. **Name of the agency:** Department of Financial Institutions
2. **Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 4, Department of Financial Institutions
Sections Affected **Rulemaking Action**
 - R20-4-1301 Amend
 - R20-4-1302 Amend
 - R20-4-1303 No change
 - R20-4-1304 Amend
 - R20-4-1305 Repeal
 - R20-4-1305 New Section
3. **The public information relating to the listed Sections:**

A Notice of Emergency Rulemaking filed with our office was published in the *Arizona Administrative Register* with an incorrect effective date. This was due to a clerical error. The Emergency Rulemaking was published at 16 A.A.R. 2165, November 12, 2010 (Issue 46). The office file number assigned to this rulemaking is R10-158.

Instead of an effective date of October 22, 2010, as indicated in the *Register*, the effective date for this filing is actually October 24, 2010, as requested in the rulemaking package by the Department of Financial Institutions.
4. **The name, address, and telephone number of agency personnel to whom questions and comment on this correction may be addressed:**
 - Name: Kim Crawford, Editor
 - Address: Office of the Secretary of State
Public Services Division
1700 W. Washington St., 7th Floor
Phoenix, AZ 85034
 - Telephone: (602) 364-3223
 - Fax: (602) 542-4366
 - E-mail: kcrawford@azsos.gov

NOTICE OF PUBLIC INFORMATION

OFFICE OF THE SECRETARY OF STATE WITHDRAWAL OF NOTICE

[M10-431]

1. **Name of the agency:** Department of Real Estate
2. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 28, State Real Estate Department
Articles and headings: 1, General Provisions; 3, Licensure; 4, Education; 5, Advertising;
7, Compensation; 8, Documents; 12, Developments
Section numbers: R4-28-101, R4-28-301 through 304, R4-28-306, R4-28-402, R4-28-404, R4-28-405, R4-28-502, R4-28-504, R4-28-701, R4-28-802, R4-28-B1201, and R4-28-B1202
3. **The public information relating to the listed Sections:**

This Notice of Public Information is in regards to a Notice of Rulemaking Docket Opening filed with the Secretary of State on October 26, 2010 (Secretary of State file number R10-159). The Notice had not yet been published in the *Administrative Register*.

Notices of Public Information

The Notice is withdrawn at request of the Department of Real Estate (Secretary of State file number M10-430) pending approval from the Governor's office per Laws 2010, Ch. 287, § 18.

4. The following public hearings have been canceled due to the withdrawal of the Notice specified in item 3:

Not applicable

5. The name, address, and telephone number of agency personnel to whom questions and comment on the Notice of Rulemaking Docket Opening may be addressed to:

Name: Gretchen Conger
Address: State Real Estate Department
2910 N. 44th St.
Phoenix, AZ 85018
Telephone: (602) 771-7769
Fax: (602) 771-0562
E-mail: gconger@azre.gov

NOTICE OF PUBLIC INFORMATION

LAWS 2010, CH. 287

**Revisions to the Rulemaking Process in the Administrative Procedures Act
Extension of the Rulemaking Moratorium Through Fiscal Year 2011**

[M10-191]

1. Reason for the Notice of Public Information:

Laws 2010, Ch. 287 revised the Administrative Procedure Act and extended the moratorium on rulemaking through fiscal year 2011

2. Effective date of Laws 2010, Ch. 287:

July 29, 2010

3. Summary of Laws 2010, Ch. 287:

Revises the rulemaking process by expanding the use of summary rulemaking, authorizing a general permit and expanding the role of the governor's Office of Strategic Planning and Budgeting.

Requires the rule's benefits to outweigh its probable costs and the agency to demonstrate it selected the least burdensome and costly alternative. (Strikes the requirement for this to be by clear and convincing evidence).

Expands the requirements for the Economic, Small Business and Consumer Impact Statement.

For the agency's five-year review, requires a determination that the rule imposes the least burden and cost to the regulated community.

During an appeal of an agency rule, outlines an additional reason for filing an objection.

Extends the rulemaking moratorium on rulemaking through fiscal year 2011

(Excerpted from Arizona House of Representatives House Majority Research Memorandum of April 28, 2010. Available online at www.azleg.gov.)

4. Contact for rulemaking moratorium questions:

Communications regarding exceptions to the moratorium, or questions regarding the moratorium generally, should be addressed to Richard Bark, Deputy Chief of Staff, Policy, at rbark@az.gov.

5. Location of full text of Laws 2010, Ch. 287:

The entire text of Laws 2010, Ch. 287 is available online at www.azsos.gov under Legislative Filings.